

Kimberly A. Hulsey
Vice President, Legal and Government Affairs

September 9, 2016

VIA ECFS

Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: MB Docket No. 16-41, Promoting the Availability of Diverse and Independent
Sources of Video and MB Docket No. 16-42, Expanding Consumers' Video Navigation
Choices

Dear Ms. Dortch:

On September 7, 2016, Henry Ahn, President, Content Distribution & Marketing of Scripps Networks Interactive ("Scripps"), Sue Underwald, Senior Vice President, Business and Legal Affairs, Content Distribution & Marketing for Scripps, Kathy Wallman, outside counsel for Scripps, and I met in separate meetings with advisors to Chairman Wheeler, Jessica Almond, Legal Advisor, and Stephen Klein, Intern, an advisor to Commissioner Rosenworcel, Marc Paul, Legal Advisor, and officials of the Media Bureau, Chief Bill Lake and Calisha Myers of the Policy Division. We discussed both of the above-captioned matters.

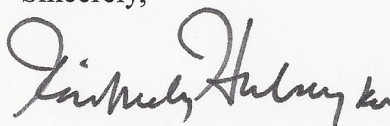
With respect to the Promoting the Availability of Diverse and Independent Sources of Video Notice of Inquiry, we explained Scripps' continuing efforts to work both with traditional incumbent distribution partners and with emerging alternative distributors. We discussed how legacy clauses in existing distribution agreements, for example, Alternative Distribution Method and Most Favored Nation clauses, affect renewal negotiations and the striking of new agreements with new entrants.

With respect to the Expanding Consumers' Video Navigation Choices Notice of Proposed Rulemaking and the creation of an app that would grant access to content created by companies

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like ours, we voiced strong concerns that the FCC should not be involved in the licensing body or the formation of any license that governs use of that app. We stressed that the FCC must assert no rights to modify, add, delete, activate or deactivate license terms or conditions and that we cannot support any proposal that includes such rights. FCC involvement in the terms and conditions of any such license would operate to render it a compulsory copyright license—an action that exceeds the FCC's authority. We further emphasized that any licensing process associated with granting third party rights to access and distribute our content should involve only operators and programmers. These two parties are not only in the best position to maximize the consumer's experience with our content, these are the only two parties directly affected by the terms on which the content license is offered. We sought clarification of the Chairman's position on third-parties' access to entitlement data and expressed concern about the appropriateness of sharing viewers' data in this way. We also sought and received assurances that the agency does not intend to assert jurisdiction over programmers' apps.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly Hulsey', written in a cursive style.

Kimberly Hulsey

Copies provided to:

Jessica Almond

Stephen Klein

Bill Lake

Calisha Myers

Marc Paul